

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

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5 UNITED STATES ) CR. NO. 03-10372-NG

6 VS. ) COURTROOM NO. 2

7 JOHN RYAN ) 1 COURTHOUSE WAY

8 BOSTON, MA 02210

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FINDINGS OF FACT

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APRIL 26, 2006

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3:23 P.M.

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BEFORE THE HONORABLE NANCY GERTNER

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UNITED STATES DISTRICT COURT JUDGE

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VALERIE A. O'HARA

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OFFICIAL COURT REPORTER

1 A P P E A R A N C E S:

2 United States Attorney's Office, by TIMOTHY Q. FEELEY,  
3 ASSISTANT UNITED STATES ATTORNEY, One Courthouse Way,  
4 Suite 9200, Boston, Massachusetts 02210, for the United  
States;

5 Donnelly, Conroy & Gelhaar, by KAREN A. PICKETT,  
6 ATTORNEY, One Beacon Street, Boston, Massachusetts 02108,  
7 for the Defendant.

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## FINDINGS OF FACT

2 THE COURT: Mr. Ryan, would you please stand.

3 This is not a sentence for a reward well spent, it's a  
4 sentence that recognizes certain realities, the realities of  
5 your cooperation, the realities of the significance of your  
6 cooperation to whether you can possibly go back to that  
7 life, and you can't. The realities of the people in this  
8 room who support is extraordinary, and the reality of my  
9 sense of you is an enormously talented man who needed to  
10 shake off this stuff in order to show what those talents  
11 are.

12 I'm going to sentence you to time served,  
13 supervised release of three years, period of time served,  
14 supervised release, three years. The supervision will take  
15 place in New York it looks like, that's where you're living  
16 now. It will give us an opportunity to see whether or not  
17 my faith in you is justified because one of the things that  
18 happens if you do this again, you will wind up in jail, and  
19 you will wind up in jail given this record and this track  
20 record for a fairly long time.

21 So if the cooperation didn't represent a break  
22 from the past, you have to recognize that you have no more  
23 chips left, you have no more coupons left at all, this is  
24 it. So I will sentence you to, as I said, time served,  
25 supervised release for three years, no fine because it's

1 unlikely you're able to pay.

2                   While you're on supervised release, you're not to  
3 commit another federal, state or local crime and shall not  
4 illegally possess a controlled substance. You're obviously  
5 to refrain from the unlawful use of a controlled substance,  
6 submit to one drug test within 15 days of your release and  
7 two periodic drug tests thereafter, not to exceed 104 tests  
8 per year. We take any illegal drug-taking seriously. There  
9 are no passes here. You're talking about nothing.

10                  You shall comply with the standard conditions,  
11 and, in addition, you're prohibited from possessing a  
12 firearm or other dangerous weapon and from traveling to  
13 California without the expressed permission of the probation  
14 officer which will be granted only to resolve your pending  
15 parole case, and such purpose can be verified.

16                  You're to pay a special assessment of \$100, which  
17 is due immediately. Just for the record, I have adopted the  
18 presentence report entirely without change. There's no  
19 mandatory minimum here. I am departing from the advisory  
20 guideline of 57 to 71 months because of the plea agreement  
21 and the 5K motion reflected there, and I'm departing  
22 downward from 57 months to what is essentially four months.

23                  You have a right to appeal. Your lawyer will let  
24 you know what that consists of. Please don't walk out of  
25 this courtroom thinking that nothing has changed because

1 everything has changed in your life. You have no leeway to  
2 go back to the life you led unless you wish to die in jail.  
3 So with that, thank you all very much.

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